



THE STATE BAR OF CALIFORNIA

MANDATORY FEE ARBITRATION

180 HOWARD STREET, SAN FRANCISCO, CALIFORNIA 94105-1617

TELEPHONE: (415) 538-2020
FAX: (415) 538-2335

August 20, 2018

Derek P. Riley, Esq.
Law Offices of Christian Schank & Associates
303 N. Glenoaks Blvd., Ste. 200
Burbank, CA 91502-1118

Re: Request for Enforcement of Fee Arbitration Award
Wolfenbarger v. Riley, State Bar Case No. 18-E-049

Dear Mr. Riley:

Under Business and Professions Code section 6203, subdivision (d), Melissa Wolfenbarger has requested the assistance of the State Bar's Office of Mandatory Fee Arbitration with the enforcement of a fee arbitration award served by the Orange County Bar Association on April 18, 2018. The arbitrator in that matter awarded the sum of \$3,872.31 to Ms. Wolfenbarger. Copies of the enforcement request, the arbitrator's award and other related documents are hereby served upon you.

Although the original fee arbitration award was non-binding, the arbitrator's award has now become final and binding under Business and Professions code section 6203, subdivision (b) because neither party filed a request for trial after arbitration within 30 days after service of the arbitrator's award.

Under rule 3.562(A) of the Rules of the State Bar of California, Title 3, Division 4, Chapter 2 (Rules of Procedure), you have 30 days from today's service of the request for enforcement to (1) provide satisfactory proof to this office of your payment of the arbitration award and interest; (2) agree to a payment plan that is satisfactory to Ms. Wolfenbarger or the State Bar; or (3) provide reasons, under Business and Professions Code section 6203, subdivision (d)(2)(B), why you should not be required to comply with the arbitration award. **Under rules 3.562(A) and 3.513(B) of the Rules of Procedure, your response to this office is due on or before September 19, 2018.** Enclosed for your reference are copies of Business and Professions Code sections 6200 through 6206, as well as relevant excerpts from the Rules of Procedure.

Your failure to comply with a final and binding fee arbitration award can result in the imposition of administrative penalties. Under rule 3.554 of the Rules of Procedure, the administrative penalty that can be assessed against you is the greater of 20 percent of the award or \$1,000.00. In the event the penalty is assessed and you fail to pay it, the penalty will be added to your annual membership fee for next year.

Mr. Riley
August 20, 2018
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Finally, please take notice that, if no response is received on or before September 19, 2018, under Business and Professions Code section 6203, subdivision (d) and rule 3.565 of the Rules of Procedure, the Presiding Arbitrator of the State Bar's Mandatory Fee Arbitration Program may file a motion in the State Bar Court seeking to have you involuntarily enrolled as an inactive member of the State Bar until such time as you pay the arbitration award and any assessed penalties. As you may know, an inactive member of the State Bar may not practice law.(Bus.& Prof. Code, §§ 6125, 6126, subd. (b))

Your prompt response to this matter is greatly appreciated. Please use the State Bar case number on any correspondence that you send to this office. If you have any questions, please contact me at (415) 538-2573.

Sincerely,

A handwritten signature in dark ink, appearing to be 'Isabel Liou', with a long, sweeping horizontal line extending to the right.

Isabel Liou
Mandatory Fee Arbitration Program

Enclosures

cc: Melissa Wolfenbarger - without enclosures

PROOF OF SERVICE BY MAIL

I am an employee in the City and County of San Francisco, State of California. I am over the age of eighteen (18) and I am not a party to the within action. My business address is: State Bar of California, 180 Howard Street, San Francisco, California 94105-1639.

On **August 20, 2018**, I served the following documents for **Case No. 18-E-049**:

- (1) **Client's Request for Enforcement of an Arbitration Award;**
- (2) **Rules of the State of California, Title 3, Division 4, Chapter 2**
- (3) **Excerpt from the California State Bar Act, Bus. & Prof. Code §§ 6200-6206;**
- (4) **Arbitration Award.**

on the attorney-respondent in this action, by enclosing them in an envelope addressed to:

Derek P. Riley, Esq.
Law Offices of Christian Schank & Associates
303 N. Glenoaks Blvd., Ste. 200
Burbank, CA 91502-1118

- [X] by United States Postal Service regular mail, and placed the envelope for collection and mailing at this office, in San Francisco, California, following our ordinary business practices.
- [X] by certified mail 7015 1730 0000 9489 7427, with a return receipt requested, and placed the envelope for collection and mailing at this office, in San Francisco, California, following our ordinary business practices.

I am readily familiar with the practices of this office in the collection and processing of mail. On the same day that the envelope is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

I declare, under penalty of perjury, under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California, on **August 20, 2018**.



Isabel Liou